

Serial No. 10/632,734

Attorney Docket No. R0087D-DIV

REMARKS

Claims 1-32, 39 and 40 are canceled. Claims 33-38 and 41-45 are pending.

Claims 33-45 are rejected under 35 U.S.C. § 112, second as indefinite for failing to point out and distinctly claim the subject matter which applicant regards as his invention.

Claim 33 was rejected because the term "comprising" is open-ended. The term "comprising" has been replaced by the word "of". Claim 33 was also rejected because the term "prodrugs" was alleged to be indefinite. The term "prodrugs" has been deleted from the claim.

Claim 40 was alleged to be indefinite because disease states alleviated with a M2/M3 muscarinic antagonist were unclear. Claim 40 has been canceled.

Claim 41 was rejected as lacking antecedent basis in claim 40 and claim 43 was rejected as lacking antecedent basis in claim 41. Claim 40 has been canceled and claim 41 has been rewritten and is now dependent on claim 33. Claim 41 was amended to insert the phrase "smooth muscle disorders" and the amended phrase "disease state associated with smooth muscle disorders" has proper antecedent basis in claim 41.

Claim 41-44 were rejected for containing improper Markush language. The term "comprises" has been replaced with the phrase "selected from the group consisting of" as suggested by the Examiner.

Claim 45 was rejected because the word "general" was alleged to imply more than what was positively recited. While the term "general formula" is frequently employed to refer to a Markush-type structural formula where specific atoms can have multiple substituents, as opposed to a specific formula of a chemical entity; in this case, the variable portions R¹-R⁴, p and n are defined in claim 33 and are therefore not indefinite. In the interest of advancing the prosecution, the adjective "general" has been deleted. This amendment, however, does not narrow claim 45 because the metes and bounds of the claim were precisely defined for the reason noted above.

The Examiner has indicated that the should claim 38 be found to be allowable, claim 39 will be objected as being a substantial duplicate thereof.

Claim 39 has been canceled in the present amendment and therefore this issue is moot.

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CONCLUSIONS

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested. If the Examiner believes that a telephone conference would expedite the prosecution of this application, applicant respectfully requests that the Examiner telephone the undersigned at (650) 855-6995.

Respectfully submitted,



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